



21 Roszel Road
P.O. Box 5226
Princeton, NJ 08543-5226
609.924.0808 main | 609.452.1888 fax
www.hillwallack.com

WRITER'S DIRECT DIAL: (609)734-6358

October 14, 2020

Hon. Mark Falk, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Bldg. & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: Merck Sharp & Dohme B.V., et al. v. Sandoz, Inc., et al., 2:20-cv-3117 (CCC)(MF)
Merck Sharp & Dohme B.V., et al. v. Lek Pharmaceuticals d.d., 2:20-cv-3117 (CCC)(MF)
Merck Sharp & Dohme B.V., et al. v. Dr. Reddy's Laboratories, Inc., et al., 2:20-cv-2909
(CCC)(MF)
Merck Sharp & Dohme B.V., et al. v. Teva Pharmaceuticals USA, Inc., et al., 2:20-cv-2751
(CCC)(MF)
Merck Sharp & Dohme B.V., et al. v. Fresenius Kabi USA, LLC, et al., 2:20-cv-2892
(CCC)(MF)

Dear Judge Falk:

This Firm, together with Goodwin Procter LLP, represents Defendants Sandoz Inc., Lek Pharmaceuticals d.d., Dr. Reddy's Laboratories, Ltd., Dr. Reddy's Laboratories, Inc., Teva Pharmaceuticals USA, Inc., and Fresenius Kabi USA, LLC (collectively "Defendants") in the above referenced matters. Defendants hereby seek leave to file amended answers and affirmative defenses.

The amendment adds a ninth affirmative defense pursuant to 35 U.S.C. § 282(c). Please note that for the convenience of the parties and the Court, Defendants are not filing amended counterclaims with their amended answers, such that the counterclaims filed by each of the Defendants¹ in their respective Answers and answered by Plaintiffs are the operative counterclaims in the above-captioned cases. See 2:20-cv-3117 (Dkt. Nos. 19, 23), 2:20-cv-2909 (Dkt. Nos. 11, 14), 2:20-cv-2751 (Dkt. Nos. 14, 23), and 2:20-cv-2892 (Dkt. Nos. 12, 17). We have conferred with counsel for Plaintiffs with respect to the foregoing amendments and counsel has confirmed that Plaintiffs do not object to the foregoing relief. We appreciate their professional courtesy and diligence in addressing this issue.

If the foregoing meets with the Court's approval, we request that the Court "So Order" this letter. We will then file the following, which we provide to the Court in draft form with the proposed amendment redlined for the Court's convenience:

- Defendant Sandoz Inc.'s First Amended Answer To Complaint And Affirmative Defenses (attached hereto as Exhibit A);

¹ Lek Pharmaceuticals d.d. has not asserted counterclaims in the above-captioned matter.

HILL WALLACK LLP
ATTORNEYS AT LAW

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- Defendant Lek Pharmaceuticals d.d.'s First Amended Answer To Complaint And Affirmative Defenses (attached hereto as Exhibit B);
- Defendant Dr. Reddy's Laboratories, Ltd., and Dr. Reddy's Laboratories, Inc.'s First Amended Answer To Complaint And Affirmative Defenses (attached hereto as Exhibit C)
- Defendant Teva Pharmaceuticals USA, Inc.'s First Amended Answer To Complaint And Affirmative Defenses (attached hereto as Exhibit D)
- Defendant Fresenius Kabi USA, LLC's First Amended Answer To Complaint And Affirmative Defenses (attached hereto as Exhibit E)

We are available to discuss this request at Your Honor's convenience should you have any questions or concerns, and we thank the Court for its time and consideration in these matters.

Respectfully submitted,

/s/ Eric I. Abraham
ERIC I. ABRAHAM

cc: All Counsel of Record (via ECF and e-mail)

IT IS SO ORDERED

Hon, Mark Falk, U.S.M.J.